

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

OTIS OLIVER McCRAY

PLAINTIFF

VS.

CIVIL ACTION NO. 5:17-cv-11(DCB)(MTP)

KELLY SUZANNE OLIVE

DEFENDANT

ORDER

This cause is before the Court on plaintiff Otis Oliver McCray's "Writ of Mandamus" (**docket entry 32**), which the Court construes as a motion for writ of mandamus; and on the plaintiff's "Affidavit for Arrest" (**docket entry 32-1**).

On May 22, 2017, this Court entered a Final Judgment as to the plaintiff's federal claims, dismissing his claims under 42 U.S.C. § 1983 with prejudice. On the same day, the Court remanded the plaintiff's state law claims to the Circuit Court of Wilkinson County, Mississippi, thereby closing this civil action.

On October 4, 2017, the plaintiff filed his "Writ of Mandamus" asking this Court to compel the Circuit Court of Wilkinson County to "comply with the order of remand." See docket entry 32. The pleading cites no grounds and fails to show that the Circuit Court has refused to comply with this Court's order of remand.

Docket entry 32 also includes an attachment titled "Affidavit for Arrest," seeking the arrest of defendant Kelly Suzanne Olive for civil contempt. Again, the pleading cites no grounds and fails to show any civil contempt on the part of the defendant.

Consequently, the motion for "Writ of Mandamus" and the "Affidavit for Arrest" must be denied.

Accordingly,

IT IS HEREBY ORDERED that the plaintiff Otis Oliver McCray's "Writ of Mandamus" (**docket entry 32**), which the Court construes as a motion for writ of mandamus, is DENIED;

FURTHER ORDERED that the plaintiff Otis Oliver McCray's "Affidavit for Arrest" (**docket entry 32-1**), which the Court construes as a motion for the arrest of defendant Kelly Suzanne Olive for civil contempt, is DENIED.

SO ORDERED, this the 27th day of October, 2017.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE